

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UT 125
DR 26/UT 600**

In the Matter of §
QWEST CORPORATION fka §
US WEST COMMUNICATIONS, INC. §

**NPCC’S CONTINGENT WITHDRAWAL IN PART OF
PROPOSED RECORD SUPPLEMENTATION**

In response to the November 30, 2023 *Prehearing Conference Memorandum* (Memorandum), Northwest Public Communications Council (NPCC) proposed supplementing the record in phase one by inclusion of Qwest’s billing records for the time period 1996-2003.

PUC staff suggested that those billing records would be relevant only to the phase two portion of the proceeding, but not for phase one because phase one is only determining *the fact* of overcharges, not their *amount*. NPCC believes *the fact* of overcharges is already conclusively established by the stipulation found in PUC Order 07-497, which is already in the record, **provided** that Qwest stipulates that “Qwest’s

“rates from 1996-2003” actually charged to ratepayers were those rates found in the attachments to 07-497 for each listed service.

After having reconsidered the ALJ’s Prehearing Conference Memorandum issues November 30, 2023 and Staff’s position, if Qwest will stipulate that its actual rates charged were the same as the rates found in the attachments to 07-497, NPCC will withdraw its request that Qwest’s billing records be provided to supplement the record in phase one.

NPCC will obviously re-urge production of Qwest’s billing records in phase two of the proceeding when overcharges per ratepayer will be determined.

RESPECTFULLY SUBMITTED:

/s/ Frank G. Patrick

OSB 760228

Attorney for NPCC

I hereby certify that I electronically Filed on December 22, 2023 and Served a copy of the foregoing PROPOSAL as follows:

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